

REMARKS

Applicant notes with appreciation that the Examiner conducted a thorough examination of Claims 1-92, which stand rejected in the Office Action issued on October 20, 2006. In response, Applicant has amended Claims 1-3, 8-20, 21-23, 25-40, 41, 44-56, canceled Claims 4, 24, 42-43, 57-92, and added new Claims 93-111. As a result, the currently pending claims are Claims 1, 2-23, 25-41, 44-56 and 93-111, of which Claims 1, 21 and 41 are independent claims. It is respectfully submitted that all of the currently pending claims are in condition for immediate allowance in view of the following arguments. Therefore, Applicant respectfully request for the Examiner's favorable reconsideration of the present application and issuance of allowance of all pending claims, as amended, in this document.

Formal Matters

1. **Summary of Interview**

Applicant appreciates the opportunity to discuss with the Examiner regarding the present application on January 5, 2007. During the interview, Applicant's representative argued distinctions between the present application and the cited prior art references Hoyer and Basani. The Examiner suggested that further clarification regarding (1) what a destination device is and (2) what the cluster manager groups would help distinguish the then-pending claims over Hoyer and Basani.

2. Along with this response, Applicant hereby submit a Request for Continued Examination (RCE) to have this amendment entered.

3. While it is believed that this Response is timely filed and no fee for an extension of time is required, in the event that a variance exists between the amount tendered and that required by the U.S. Patent and Trademark Office to enter and consider this Response, or to prevent abandonment of the present application, please charge or credit such variance to the undersigned's Deposit Account No. 50-2613 (Order No. 45098.00014.UTL1.P1068).

Art Rejections

The Examiner's Outstanding Rejections

In the Office Action dated October 20, 2006, the Examiner issued the following final rejections of the then-pending claims:

- Claim 1 is rejected as being anticipated by Hoyer (US Patent No. 6,263,361) under 35 USC 102(b);
- Claims 21, 57, 67 and 88 are rejected as being anticipated by Basani (US Patent No. 6,748,447) under 35 USC 102(e);
- Claims 2-6, 10-11, 14-16 are rejected as being unpatentable over Hoyer in view of Gillett (US Patent No. 6,295,585) under 35 USC 103;
- Claims 7-9, 12, 13 and 84 are rejected as being unpatentable over Hoyer in view of Wipfel (US Patent No. 6,151,688) under 35 USC 103;
- Claims 17-18 are rejected as being unpatentable over Hoyer in view of Kremien (US App. 20010034752) under 35 USC 103;
- Claim 19 is rejected as being unpatentable over Hoyer in view of Kremien and further in view of Quarterman (US App. 20020177910) under 35 USC 103;
- Claim 20 is rejected as being unpatentable over Hoyer in view of Hendricks (US Patent No. 6,463,585) under 35 USC 103;
- Claims 61-62 are rejected as being unpatentable over Basani in view of VanHuben (US Patent No. 6,038,651) under 35 USC 103.

Currently Pending Claims

Many of the currently pending claims, particularly independent Claims 1, 21 and 41, have been amended substantially to better present the inventions embodied in the present application. In light of these amendments, Applicant respectfully submits that the grounds for most of the above-listed rejections have become moot. For instance, Claim 1, as amended, is not anticipated by Hoyer because Hoyer does not teach or suggest a *"source device in communication with a plurality of destination devices in a collaborative communication session, each destination device in communication with the source device via an associated communication connections such that data in the source device can be shared with each destination device in a timely manner"* claimed by Claim 1. Specifically, Hoyer does not disclose or indicate, among other things, such a source device as comprising *"a cluster manager configured to determine connection characteristics for each of the plurality of destination devices and associated communication connections, further configured to create one or more performance clusters, and further configured to assign each of*

the plurality of communication connections into one of the created performance clusters based on performance similarities of the determined connection characteristics of the destination devices and associated communication connections assigned to each performance cluster” as recited in Claim 1. In Hoyer, a cluster is defined as “collection of web servers ... with the same domain name” (col. 5, lines 31-32), which is distinct from the present application in which clusters represent collections or groups of connections having similar performance capabilities. Additionally, Hoyer does not disclose or indicate, among other things, such a source device as comprising “a source data buffer containing the data to be shared with each of the plurality of destination devices” as recited in Claim 1, or further comprising, “a plurality of synchronization mechanisms coupled with the source data buffer, each of the plurality of synchronization mechanisms corresponding to at least one of the performance clusters” as recited in Claim 1. Unlike the present application, Hoyer provides no disclosure regarding server-client data communication (Figs. 1-2).

Applicant has also reviewed diligently all other prior art references, including Basani, Gillett, Wipfel, Kremien, Quarterman, Hendricks and VanHuben. Applicant hereby respectfully submits that none of these references teaches or suggests the above-described features in Claim 1. Accordingly, Applicant respectfully submit that Claim 1 is patentable over the prior art references. For reasons similar to those stated above, Applicant respectfully submit that independent Claims 21, 41 are patentable as well.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

While this Response is believed to be timely, in the event that a variance exists between the amount tendered and that required by the U.S. Patent and Trademark Office requires to enter and consider this Response, or to prevent abandonment of the present application, please charge or credit such variance to the undersigned's Deposit Account No. 50-2613 (Order No. 45098.00014.UTL1.P1068).

Respectfully submitted,

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